



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD**

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March 20, 2009

CERTIFIED

Mr. Steve Orand
108 South 53rd Street
Omaha, NE 68132

RE: Youth Emergency Services, Inc.
Case 17-RD-1783

Dear Mr. Orand:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered. In this regard, it has been necessary to consider the implications of a currently pending unfair labor practice charge filed against Youth Emergency Services, Inc. (Employer) in Case 17-CA-24402.

As a result of the investigation, I find that further proceedings on the petition are unwarranted at this time. Pursuant to the investigation of Case 17-CA-24402, it was determined that, if proven, the Employer has failed and refused to bargain in good faith in violation of Section 8(a)(1) and (5) of the Act. Inasmuch as the alleged unfair labor practices occurred within the one year period following the Union's certification on November 26, 2007, the remedy for such violations includes an extension of the certification year to insure "at least one year of actual bargaining." See *Mar Jac Poultry Co.*, 136 NLRB 785, 787 (1962); and *Bridgestone/Firestone, Inc.*, 337 NLRB 133 (2001). Since the petition in this matter was filed during this extended certification year during a period when the Union would enjoy an irrebuttable presumption of majority status, I am dismissing the petition on the basis that it is filed untimely.

This petition may be subject to reinstatement upon the Petitioner's application, if appropriate, after disposition of the unfair labor practice charge.

Pursuant to the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570. A copy of such request must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons on which it is based. The request for review (eight copies) must be received by the Executive Secretary

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of the Board in Washington, DC by close of business on **Friday, April 3, 2009**, at 5 p.m. (ET). You should be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file.

A request for review may also be submitted by electronic filing. See the attachment provided in the initial correspondence in this case or refer to OM 05-30 and OM 07-07, which are available on the Agency's website at www.nlr.gov for a detailed explanation of requirements which must be met when electronically submitting documents to the Board and Regional Offices. Guidance can also be found under *E-Gov* on the Board's website. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, either by mail or by electronic filing. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, DC, and a copy of any such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. The request for review and any extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and a copy must be served in the same or faster manner as that utilized in filing the request with the board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-Filing can also be found on the National Labor Relations Board website at www.nlr.gov. On the home page of the website, select the E-Gov tab and click on E-Filing. Then select the NLRB office for which you wish to E-File your documents. Detailed E-Filing instructions explaining how to file the documents electronically will be displayed.

The request for review and any request for extension of time must include a statement that a copy has been served on this office and on each of the other parties to this proceeding in the same or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

/s/ Daniel L. Hubbel

Daniel L. Hubbel
Regional Director

DLH:wc

Enclosure

cc: See page three.

cc: Mr. Robert Storey, Exec. Dir.
Youth Emergency Services, Inc.
2679 Farnam Street, Suite 205
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Mr. Mark M. Schorr, Attorney
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bc: Executive Secretary